

AUG 21 2007

NR



8-21-07

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

iROBOT CORPORATION,

Plaintiff,

v.

ROBOTIC FX, INC.,

Defendant.

07CV 4704

JUDGE GUZMAN

MAGISTRATE JUDGE SCCHENKIER

**EMERGENCY MOTION TO ENFORCE
DISTRICT COURT ORDER**

iRobot Corporation, by and through its undersigned counsel, for its Emergency Motion to Enforce an Order of the United States District Court for the Northern District of Alabama states as follows:

1. Presently pending in the United States District Court for the Northern District of Alabama is the matter of *iRobot Corporation v. Robotic FX, Inc.*, case no. 2:07-CV-1511-UWC-RRA, Judge Clemon presiding.

2. On August 20, 2007, Judge Clemon entered an order granting Plaintiff's Emergency Motion for Temporary Restraining Order. A true and correct copy of the Order is attached to this Motion as Exhibit 1. Thereafter, Plaintiff posted the required \$50,000 injunction bond. A true and correct copy of the injunction bond is attached to this Motion as Exhibit 2.


3. In aid of enforcing the Alabama District Court's order, Plaintiff requests that this Court enter an order directing the United States Marshall to serve and execute the Alabama District Court's order, including service of the order on Defendant, Jameel Ahed and Kimberly Hill, without prior notice at the addresses set forth in the Order. As the Alabama Court found,

Plaintiff will be irreparably harmed in that highly probative evidence will be destroyed and there is a substantial likelihood of success on the merits of Plaintiff's claim.

Wherefore, iRobot Corporation respectfully requests that this Court enter any orders necessary to carry out the Order of the United States District Court for the Northern District of Alabama, and for such other and further relief as this Court deems necessary.

Dated: August 21, 2007

Respectfully submitted,
iROBOT CORPORATION
Plaintiff.

By: 
One of Its Attorneys

John N. Hourihane, Jr. (Atty. no. 6256107)
MURPHY & HOURIHANE, L.L.C.
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

iROBOT CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action Number
)	2:07-cv-1511-UWC-RRA
ROBOTIC FX, INC.,)	
)	
Defendant.)	

**AMENDED
TEMPORARY RESTRAINING ORDER**

It appearing from the Verified Complaint that unless temporary injunctive relief is granted, 1) the Plaintiff will suffer irreparable harm in that highly probative evidence will be destroyed, 2) the equities tilt in favor of the granting of temporary injunctive relief, 3) there is a substantial likelihood that the Plaintiff will prevail on the merits of its claim, and 4) the public interest will not be disserved by the granting of preliminary injunctive relief, it is hereby ORDERED that upon the posting of a bond in the amount of **Fifty Thousand Dollars (\$50,000)**, the **Defendant, ROBOTIC FX, INC., its directors, officers, managers, supervisors, employees, employees, agents,** and those in active concert or participation with them who receive actual notice of this Order are hereby **TEMPORARILY**



RESTRAINED from failing to preserve all evidence, information, data and documents concerning the patents at issue in this case, 2) the technology described in the patents at issue, 3) the use of the technology described in the patents at issue, and 4) the allegations made the basis of the Plaintiff's complaint.

IT IS FURTHER ORDERED THAT:

a. The United States Marshall Service, in the presence of attorneys for the Plaintiff and their computer forensic expert, shall conduct a search of the following premises: Robotic FX, Inc., 7441 Southwest Highway, Worth, IL 60482; Jameel Ahed, 13739 South 84th Ave., Orland Park, IL 60462; and 3) Kimberly Hill, 1823 N. Fairfield Ave., Apt. #2S, Chicago, IL 60647.

b. The United States Marshall Service, in the presence of attorneys for the Plaintiff and their computer forensic expert, shall seize all documents and things located at any of the above premises related to the development, design, research and testing of the Robotic FX, Inc., including without limitation, the Navigator product.

c. The United States Marshall Service, in the presence of attorneys for the Plaintiff and their computer forensic expert shall seize all documents and things located at any of the above premises related to iRobot Corporation, its technology,

and/or products.

d. All computers at the above premises may be temporarily seized and imaged for review and analysis by Plaintiff and its experts.

e. All documents and things seized during the search shall be placed under the control of Mr. John Hourihane, Esq. of Murphy & Hourihane, L.L.C., 77 West Wacker Drive, Suite 4800, Chicago, IL 60601, (312) 606-9300. Return of all seized documents and things to the Defendants will be subject to a future Order of this Court.

f. The search and seizure may be conducted at the time of the service of this Order to protect against any spoliation of evidence.

g. Mr. Jameel Ahed and Ms. Kim Hill shall make themselves available for deposition in or near Chicago, Illinois, at a time mutually convenient to the parties on or before Friday, August 24, 2007, to address questions regarding possible destruction of evidence, including any activities concerning the disposal of materials related to iRobot Corporation or Robotic FX's development of the Negotiator.

A hearing on the Plaintiff's Motion for a Preliminary Injunction shall commence on at 10:00 a.m. Thursday, August 30, 2007, in Courtroom 8 of the Hugo L. Black Federal Courthouse, Birmingham, Alabama.

This Temporary Restraining Order shall expire at 3:00 p.m. August 30, 2007,

unless extended by the Court on good cause shown.

The Plaintiff is authorized to serve this Order on the Defendant by a special process server.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written in a cursive style.

U.W. Clemon
United States District Judge

FILED

2007 Aug-20 PM 04:58
U.S. DISTRICT COURT
N.D. OF ALABAMA

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

2007/11/20 PM 5:00

U.S. DISTRICT COURT
N.D. OF ALABAMA

IROBOT CORPORATION,

Plaintiff,

v.

ROBOTIC FX, INC.,

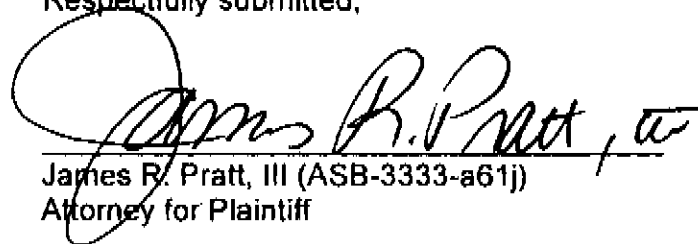
Defendants.

Case Number:
07-RRA-1511-S

NOTICE OF POSTING DEPOSIT
PER TEMPORARY RESTRAINT ORDER DATED 8/20/07

Comes now the plaintiff iRobot Corporation and pursuant to the Court's
Amended Temporary Restraining Order hereby posts a deposit of Fifty Thousand
Dollars (\$50,000) in lieu of posting bond.

Respectfully submitted,


James R. Pratt, III (ASB-3333-a61j)
Attorney for Plaintiff

OF COUNSEL:
Hare Wynn Newell & Newton, LLP
2025 Third Avenue North
800 The Massey Building
Birmingham, AL 35203
Phone: 205-328-5330



CLERK, U.S. DISTRICT COURT
ROOM 140, U.S. COURTHOUSE
1729 5TH AVENUE NORTH
BIRMINGHAM, AL 35203

RECEIPT

DATE 8-29-07 NO. 031308

RECEIVED FROM HARE WYNN

ADDRESS \$50,000.00

FOR TRD BOND

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>50,000</u>	CHECK	<u>68560</u>
BALANCE DUE		MONEY ORDER	

BY Sharon Sammis

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